IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Crl.MC.No. 469 of 2007()

CC.243/2002 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONERS: ACCUSED 1 & 2

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1. K.T.LONAPPAN, THOLATH HOUSE,
METHANAM ROAD, EDAPPALLY.

2. A.A.SALAM, AGED 23 YEARS,
S/O.ABBAS, CHATHAMVELIPARAMBIL,
THRIKKAKARA, COCHIN-25.

BY ADV. SRI.C.AJITH KUMAR (KALLESSERIL)
SRI.C.ANILKUMAR (KALLESSERIL)

RESPONDENTS: COMPLAINANT & STATE

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1. M/S.CATHOLIC SYRIAN BANK LIMITED,
SCHEDULED BANKING COMPANY, REGISTERED
UNDER THE COMPANIES ACT OF 1956 WITH ITS
REGISTERED OFFICE AT TRICHUR AND BRANCHES
AT VALANJAMBALAM, REPRESENTED BY ITS
BRANCH MANAGER K.I.THOMAS, AGED 48 YEARS,
S/O.K.T.IYPPRU, NOW REPRESENTED BY BRANCH MANAGER,
TOMY.M.P, AGED 44 YEARS,
S/O.LATE M.O.PAULOSE.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.A. No. 1403 of 2007

in

Crl.M.C.No. 469 of 2007

- -

Dated this the 22nd day of March, 2007

O R D E R

The petitioner wants this court to recall the order already passed in the above Crl.M.C. The prayer for recall is founded on the fact that the petitioner faces allegations both under Sections 409 and 420 I.P.C. The offence under Section 409 I.P.C. is not compoundable and in these circumstances the petitioner cannot report composition to the learned Magistrate.

2. I can only observe that the petitioner can claim discharge under Section 245(1) of 245(2) Cr.P.C. for the offence alleged under Section 409 I.P.C. He can also urge before the learned Magistrate that the matter has been compounded and that actually charge need be framed only for compoundable offences. I find no reason to recall the order that has already been passed.

This petition is dismissed.

(R. BASANT)

tm Judge